

<b>NEVADA DEPARTMENT OF CORRECTIONS</b>	<b>SERIES 500 CLASSIFICATION AND MANAGEMENT OF INMATES</b>	<b>SUPERSEDES: AR 521 10/27/02</b>
<b>ADMINISTRATIVE REGULATIONS MANUAL</b>	<b>ADMINISTRATIVE REGULATIONS 521 CUSTODY CATEGORIES AND CRITERIA TEMP</b>	<b>EFFECTIVE DATE: 01/20/03</b>

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### **PURPOSE**

To identify and define the various custody categories for inmates within the Department.

To assist in the effective management of an inmate's risk assessment.

### **AUTHORITY**

NRS 209.341

NRS 209.351

NRS 209.481  
NRS 209.425  
NRS 209.427  
NRS 209.429  
NRS 484.379  
NRS 209.4889  
NRS 484.3795  
NRS 209.4314

## **RESPONSIBILITY**

It is the responsibility of the Offender Management Administrator (OMA), through the Offender Management Division (OMD), to implement and manage the requirements of this regulation.

## **DEFINITIONS:**

**CUSTODY** - The level of supervision and control exercised over individual inmates for their management within the Department.

**HIGH RISK POTENTIAL (HRP)** – A designation given through the classification process to inmates who have been assaultive against staff or inmates, represent a serious escape risk and condemned men when being transported on institutional grounds.

**HOLD** - A generic term used to describe the interest of another law enforcement jurisdiction in an inmate as evidenced by:

- A warrant processed under the auspices of the Interstate Agreement on Detainers, or;
- A certified judgment of conviction for incarceration in another correctional jurisdiction, or a warrant for a probation or parole violation.

**POSSIBLE RELEASE** - A projected or assigned parole eligibility date in which the decision of the Parole Board is not taken into account. A possible release might also be used as a discharge date. This is the date that is used to determine when a DUI inmate is to be enrolled in the DUI Treatment Program.

**PROBABLE RELEASE** - A projected or assigned parole eligibility date in which the potential decision of the Parole Board is taken into account. There is a reasonable expectation that the Board will grant a parole to the community at that time. A probable release might also be based on a discharge date. When considering the "proximity to release" criteria for custody assignments, this is the standard for all inmates except DUI offenders.

**SEXUAL MISCONDUCT** - Behavior which is sexual in nature to include unwanted touching,

sexual exposure by the offender, or the disrobing of a victim, or any sexual activity which is prohibited by law. The sexual activity of the inmate does not require a conviction to meet the definition of sexual misconduct.

**SERIOUS VIOLATION OF THE CODE OF PENAL DISCIPLINE** - Serious violation of the Code of Penal Discipline for major violation which includes violence or behavior which, in the judgment of classification staff, compromises the security of the institution or facility. Not all behavior that results in a major violation will be considered serious, or an impediment to minimum or community trustee custody.

**SERIOUS VIOLENCE** - The use or display of a weapon, or the injury of a victim which causes medical treatment or hospitalization. The act of violence does not require a conviction.

**UNASSIGNED** - The status of inmates housed in Intake Units pending initial classification, or the status of inmates who are under the jurisdiction of the Department, but are housed in agencies other than the Department.

## **APPLICABILITY**

This administrative regulation applies to all staff/employees and inmates.

## **PROCEDURES**

### **521.01 MAXIMUM CUSTODY**

#### **1.1 Maximum custody characteristics.**

##### **1.1.1 Institutional requirements for maximum custody.**

1.1.1.1 Inmates assigned as maximum custody are to be assigned to high security institutions with fenced perimeters, supervised by gun towers or external patrols.

1.1.1.2 Housing for maximum custody inmates is in single occupancy cells, which may or may not be separated in some manner from the remainder of the institution.

1.1.1.3 Except for exercise periods, showers, visits, professional interviews, classification hearings, medical visits, or telephone calls, inmates with maximum custody are to be confined to their cells.

1.1.2 Staff shall supervise maximum custody inmates directly and constantly when they are outside of their cells.

##### **1.1.3 Movement and transportation of maximum custody inmates.**

1.1.3.1 Out-of-cell activities are confined to separate and secure areas within the

institution where the inmate's behavior can be controlled, and where segregation from the remainder of the institution can be accomplished.

1.1.3.2 Unclothed body searches of maximum custody inmates are conducted when exiting and returning to the assigned unit.

1.1.3.3 Internal movement of maximum custody inmates is conducted with restraints and escorts.

1.1.3.4 Movement of maximum custody inmates outside of the institution requires restraints and armed escorts. The use of any chase vehicles with armed staff during the transportation of maximum custody inmates will be at the discretion of the institutional warden.

## 1.2 Maximum Custody Criteria.

1.2.1 Maximum custody will be assigned to inmates under sentence of Death.

1.2.2 Inmates designated with High Risk Potential (HRP) status must be under maximum lock-up (MLU) custody.

- Inmates designated with HRP status are not eligible for any lesser custody.
- Only inmates housed at Ely State Prison are given the HRP designation; however, this designation will remain in effect whenever the inmate is moved for medical, court or other reasons.
- A chase vehicle is required when transporting an inmate with an HRP designation.
- Must be approved by the Warden.

1.2.3 Maximum custody is a lock-up status at a maximum security prison for administrative segregation, disciplinary segregation, and disciplinary detention.

1.2.4 Maximum custody inmates are reviewed on a scheduled basis in accordance with Department's segregation guidelines as defined in AR506 and AR507. **(3-4283)**

## **521.02 CLOSE CUSTODY**

1.1 Institutional requirements for close custody.

1.1.1 Inmates assigned as close custody are assigned to secure institutions with fenced perimeters, supervised by gun towers or external patrols.

1.1.2 An inmate may be in a single or double cell in protective segregation based on case factors that are present. Inmates assigned to administrative segregation, disciplinary detention, or disciplinary segregation at close custody should be single housed.

1.1.3 Housing areas should be separated from the general population of the institution at medium security institutions.

1.1.4 Staff shall supervise close custody inmates directly and constantly when they are outside of the unit to which they are assigned.

1.1.5 Movement of close custody inmates within an institution will be subject to searches and escorts, as determined by the requirements of the warden of the institution. Close custody inmates may be searched and restrained for internal movement.

1.1.6 Movement outside the institution for close custody inmates requires restraints, and armed escorts. The use of any chase vehicles with armed staff during transportation will be at the discretion of the institutional warden.

## 1.2 Close custody criteria.

1.2.1 Close custody should be assigned to inmates whose offense or institutional conduct indicates that they represent a potential for violence, escape, or disruption of institutional operation, without the controls and close custody supervision.

1.2.2 Close custody should be assigned to inmates in specialized housing areas of medium custody security institutions such as administrative segregation; protective segregation; disciplinary segregation; or disciplinary detention.

1.2.3 Close custody should be assigned to the general population inmates at a maximum security institution.

1.2.4 Close custody should be initially assigned to inmates serving a sentence of 20 years or more, who have a history of institutional violence. This close custody assignment should be for not less than 1 year, in order to evaluate and control the inmate's behavior.

1.2.5 Close custody should be initially assigned to inmates serving a sentence of Life Without the Possibility of Parole for at least the first 2 years of incarceration, for each sentence of Life Without Parole.

1.2.6 Close custody should be assigned to any offender who has a history of escape or conspiracy to escape from within a secure perimeter.

1.2.7 Inmates in 1.2.4 and 1.2.5 above should be reviewed for a transfer to medium

custody at 6-month intervals. **(3-4283)**

1.2.8 Based upon exceptional circumstances, related to physical disabilities or age, exceptions to the requirements of 1.2.4 and 1.2.5 above may be approved by the Director, Assistant Director of Operations, or the Offender Management Administrator.

## **521.03 MEDIUM CUSTODY**

### **1.1 Medium custody characteristics.**

1.1.1 Inmates assigned to medium custody should be placed in institutions with fenced perimeters, supervised by gun towers or external patrols.

1.1.2 Staff shall supervise medium custody inmates directly and frequently.

1.1.3 Housing for medium custody inmates may be in single or double occupancy cells, or in a dormitory setting.

1.1.4 Medium custody inmates represent the general population of medium security institutions, and may participate in all regular programs, work assignments and activities located within the perimeter of the institution.

1.1.5 Movement and transportation of medium custody inmates.

1.1.5.1 Medium custody inmates are not required to be searched upon entry or exit from their assigned housing units. Searches may be required on a random basis or for cause.

1.1.5.2 Medium custody inmates are allowed access to the general population areas of an institution without the use of restraints or escort.

1.1.5.3 Medium custody inmates who are transported outside of an institution are to be restrained and under armed escort.

### **1.2 Medium custody criteria.**

1.2.1 Medium custody should be assigned to inmates who are expected to conform to regulations, but who would represent a threat to escape if placed outside the confines of a secure perimeter.

1.2.2 Medium custody should be assigned to inmates who are under law or policy restrictions which prevent their assignment as minimum custody inmates.

1.2.3 Medium custody inmates are reviewed every 6 months. **(3-4283)**

## **521.04 MINIMUM CUSTODY**

### **1.1 Minimum custody characteristics.**

1.1.1 Inmates assigned to minimum custody may be placed in facilities without perimeters or towers.

1.1.2 Housing of minimum custody inmates may be in single or double occupancy cells or rooms, or in dormitory type housing areas.

1.1.3 Minimum custody inmates are authorized access to the interior and exterior portions of any institution or facility of the Department.

1.1.4 Staff supervision of minimum custody inmates should be direct.

1.1.5 The frequency of minimum custody inmate supervision may be intermittent, however, minimum custody inmates should be observed at least once in every twenty (20) minute period, to ensure their presence at their assigned work area when outside the confines of their assigned facility.

### **1.2 Movement and transportation of minimum custody inmates.**

1.2.1 Staff are not required to search minimum custody inmates within the confines of their assigned facility. Staff supervisors may require random searches or searches for cause.

1.2.2 Minimum custody inmates should be searched upon return to their facility from work areas outside of the institution.

1.2.3 Minimum custody inmates are not required to be restrained during transportation activities outside of their assigned facilities.

1.2.4 Minimum custody inmates may be transported by any state employee who has been trained in the supervision of inmates.

1.2.5 Transportation of minimum security inmates must be conducted in a state vehicle, or emergency vehicle.

### **1.3 Minimum custody criteria**

1.3.1 No inmate will be assigned to minimum custody if they have a current or prior conviction for a sexual offense.

1.3.2 Inmates should not be assigned to minimum custody if they have engaged in sexual

misconduct.

1.3.2.1 Inmates can have no pattern of arrests for sexual offenses or sexual misconduct.

1.3.2.2 A singular arrest for a sex offense will be considered on a case-by-case basis, based upon documentation available which describes the conduct and the outcome of the charge.

1.3.2.3 No inmate serving life without sentence may be granted minimum custody.

1.3.3 No inmate can be assigned to minimum custody if they have engaged in an act of serious violence during the last 12 months. This is interpreted as no conviction for a felony or gross misdemeanor offense; or institutional disciplinary or jail incident involving serious violence.

1.3.4 No inmate can be assigned to minimum custody if they have ever escaped, or attempted to escape, from the Department.

1.3.5 No inmate may be assigned to minimum custody if they have escaped or attempted to escape from another jurisdiction during the previous ten (10) years. Escapes, which occurred more than ten (10) years ago, will be considered on a case-by-case basis.

1.3.6 Failure to appear or absconding from parole or probation is not an automatic barrier to minimum custody. Such cases will be evaluated on an individual basis.

1.3.7 Inmates who are assigned to minimum custody must be within thirty-six (36) months of probable release to the community on parole or discharge.

1.3.7.1 Thirty-six (36) months to probable release may include aggregated time to serve on the present sentence, and on a maximum of one (1) consecutive sentence.

1.3.7.2 An inmate who meets all minimum criteria in this procedure except the thirty - six (36) months to probable release may be assigned to minimum custody for an outside work program institutional minimum, per 1.3.8. below.

1.3.7.3 No inmate serving a Life sentence may be granted minimum custody for work.

1.3.8.7 An inmate may be assigned to institutional minimum custody for work if he is



within forty- eight (48) months of probable release.

- The inmate will be housed within a medium security or higher institution: placements into a minimum custody institution requires the approval of the Offender Management Administrator.
- May be transported and supervised as other minimum custody inmates.
- The inmates must meet all of the criteria as stated in AR 521.04

1.3.9. Inmates who are serving a sentence of Life Without the Possibility of parole cannot be assigned to minimum custody.

1.3.10 Minimum custody inmates can never have previously been under a sentence of Death.

1.3.11 An inmate sentenced under either of the two DUI statutes (NRS 484.3792 or 484.3795), who does not have any non-DUI sentences, is exempt from the thirty - six (36) month to probable release rule described in this procedure.

1.3.12 Inmates cannot have been previously convicted of a serious violation of the Code of Penal Discipline within the last six (6) months.

1.3.12.1 After an inmate is found guilty by the Disciplinary Hearing Officer, for any major violation of the Code of Penal Discipline, a reclassification hearing should be held to determine the appropriateness of an assignment to, or retention at minimum custody.

1.3.12.2 The classification committee should review major violations of the Code of Penal Discipline. A major violation is not an automatic barrier to minimum custody, but recommendation will be made to the Offender Management Division for final approval.

1.3.13 A felony "hold" is not an automatic barrier to minimum custody. Each "hold" should be considered in light of its effect on the inmate's proximity to release and the type of offense it represents.

1.3.13.1 If a "hold" is an obligation which is concurrent, and discharges prior to the Nevada sentence, then the inmate may be considered for minimum custody.

1.3.13.2 An inmate may be considered for minimum custody if the "hold" is not documented with the Department based upon the procedures of AR 548. Before assignment to minimum custody, consideration should be given to the nature of the alleged offense that the undocumented "hold" represents, and the inmate's potential for violence or escape.

1.3.13.3 An immigration "hold" is not an automatic barrier to minimum custody. Such "holds" should be considered individually in light of the threat that deportation represents to the specific inmate, and/or the inmate's potential for escape.

1.3.13.4 A "hold" which is based on the Interstate Agreement on Detainers is an exclusion to minimum custody as long as the matter remains unresolved.

1.3.13.5 Inmates must be medically clear and able to hold an assignment in a minimum custody facility.

1.3.13.6 Minimum custody inmates are to be reviewed every 6 months. **(3-4283)**

## **521.05 COMMUNITY TRUSTEE**

### **1.1 Community trustee characteristics.**

1.1.1 Inmates assigned to community trustee may be assigned to facilities without perimeters or towers.

1.1.2 Housing of community trustee inmates may be in single or double occupancy cells or rooms, or in dormitory type housing areas.

1.1.3 Community trustee inmates are authorized access to the interior and exterior portions of any institution or facility of the Department.

1.1.4 Staff supervision of community trustee inmates should be direct.

1.1.5 The frequency of community trustee inmate supervision may be intermittent and based on the location and type of work in which the inmate is engaged.

### **1.2 Movement and transportation of community trustee inmates.**

1.2.1 Community trustee inmates need not be searched within the confines of their assigned facility. Staff supervisors may require intermediate searches or searches for cause.

1.2.2 Community trustee inmates may be searched upon return to their facility from work areas outside of the institution.

1.2.3 Community trustee inmates are not required to be restrained during transportation activities outside of their assigned facilities.

1.2.4 Community trustee inmates may be transported by any state employee in a state vehicle, or in any private vehicle used during the course of authorized work activities.

### 1.3 Community trustee criteria for Restitution Center and Off Reservation Work Details.

1.3.1 Candidates for community trustee must be eligible for minimum custody per procedure 521.04 with the added criteria that follows.

1.3.2 No inmate may be assigned to community trustee if they have ever escaped from a jail or correctional facility.

1.3.3 Failure to appear or absconding from parole or probation is not an automatic barrier to community trustee. Such cases will be evaluated on an individual basis.

1.3.4 Inmates who are assigned to community trustee must be within twelve (12) months of probable release to the community on parole or discharge.

1.3.5 Candidates for community trustee must not have a consecutive sentence to serve.

1.3.6 No inmates can be assigned to community trustee custody if they have a conviction for a felony involving the use or threat of violence within the last five (5) years. Community Trustee Custody includes Restitution Centers, Transition Centers and Off Reservation Work Detail (ORWD) programs.

1.3.7 Inmates with a singular misdemeanor assault, battery, or domestic violence conviction may be considered for community trustee, however, there can be no pattern of such incidents, even if no arrest or conviction resulted.

1.3.8 Inmates cannot have been previously convicted of a serious violation of the Code of Penal Discipline in the last six (6) months.

1.3.9 After an inmate is found guilty by the Disciplinary Hearing Officer on any major violation of the Code of Penal Discipline, a reclassification hearing should be held to determine the appropriateness of an assignment to, or retention at, community trustee.

1.3.10 The classification committee should review major violations of the Code of Penal Discipline. A major violation is not an automatic barrier to community trustee.

1.3.11 A felony or immigration "hold" is an automatic barrier to community trustee custody.

1.3.12 Community trustee inmates are reviewed every 6 months. **(3-4283)**

### **521.06 RESIDENTIAL CONFINEMENT CHARACTERISTICS**

1.1 Residential confinement is a placement in a residence in the community which has been approved by the Division of Parole and Probation under one of the Legislatively mandated programs

referred to in AR 523 Residential Confinement.

1.1.1 317 Residential Confinement has restrictions regarding violence or other factors, which preclude such placement, for further clarification refer to AR523:

- Any crime involving the use or threatened use of force or violence against the victim; or
- A sexual offense.

1.2 Residential confinement is limited to approved residences within the boundaries of the State of Nevada.

1.3 Residential confinement requires the use of electronic monitoring, as employed by the Division of Parole and Probation.

1.4 In terms of custody, Residential Confinement is community trustee.

1.5 Inmates who have gross misdemeanor or felony violence conviction are ineligible for Phase II of the DUI Program; if violence was a contributing factor to an offense this may exclude an inmate from participating in the program.

## **521.10 MINIMUM, COMMUNITY TRUSTEE, RESIDENTIAL CONFINEMENT OVERRIDES**

1.1 Unless specifically approved by the Director, Assistant Director of Operations, the Offender Management Administrator, or the Classification Research and Planning Specialist, no inmate should be assigned to minimum custody, community trustee, or residential confinement, if their computed objective classification score is greater than that required for minimum custody

1.2 This approval authority for the circumstance listed in 1.1 above is not delegated beyond the individuals listed herein.

## **REFERENCES**

ACA Standard 3-4283

## **ATTACHMENTS**

None

\_\_\_\_\_  
Jackie Crawford, Director

\_\_\_\_\_  
Date

**CONFIDENTIAL**

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

**THIS PROCEDURE SUPERSEDES ALL PRIOR WRITTEN PROCEDURES ON THIS SPECIFIC SUBJECT.**